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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,147	09/29/2000	Peter Michael Gits	2705-128	1784

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EXAMINER
LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/676,147	GITS ET AL.
		Examiner	Art Unit	
		Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed 5/15/2006 has been placed of record in the file.

2.   Claims 1, 6, 11, 13, 16, and 17 have been amended.

3.   Claims 1-9 and 11-17 are now pending.

4.   The applicant's arguments with respect to claims 1-9 and 11-17 have been considered but are moot in view of the following new grounds of rejection.

Response to Amendment

5.   Claims have been amended to show more clearly the use of protocols by the non-space specific double agent. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state that the non-space specific double agent communicates with persistent stores outside the community using the first protocol. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8.   Claim 16 recites the limitations "a first telephone protocol" and "a first protocol." The

use of two different "first" protocols makes the scope of the claim unclear as it is confusing

whether the protocols are the same or different. For the purpose of applying prior art, it will be

assumed that the protocols may be two different protocols as they are used for different purposes

in the context of the claims.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 1-9, 11-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Slaughter et al. (U.S. Patent Number 6,789,077), hereinafter referred to as Slaughter, in

view of Jagannathan et al. (U.S. Patent Number 6,496,871), hereinafter referred to as

Jagannathan.

11.   Slaughter disclosed a system in which clients can utilize search services to find spaces for

the storage or retrieval of data. In an analogous art, Jagannathan disclosed a distributed agent

software system that allows for the migration of objects between spaces.

12.   Concerning claims 1, 6, 11, 13, 16, and 17, Slaughter did not explicitly state transferring

objects from a persistent store in a Community to a persistent store in another Community as

necessary. However, Jagannathan does explicitly state this feature as his system is focused on

object and agent migration across spaces in object-oriented distributed systems. It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify

the system of Slaughter by adding the ability to transfer objects from a persistent store in a

Community to a persistent store in another Community as necessary as provided by Jagannathan.

Here the combination satisfies the need for a distributed computing system that allows easy and

efficient process migration, in whole or in part, among distinct machines. See Jagannathan,

column 5, lines 29-36.

13.   Concerning claims 1, 6, 11, 13, 16, and 17, the combination of Slaughter and Jagannathan

did not explicitly state the transferring being effectuated by a non-space specific double agent

that communicates with persistent stores outside the first community using the first protocol.

However, Slaughter does state a bridging mechanism that communicates with spaces in a first

community using a first protocol. Since Slaughter teaches communicating with spaces using a

first protocol, it would be obvious that the bridging mechanism would be enabled to

communicate with another space in a different community using the first protocol. Thus, it

would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to modify the combination of Slaughter and Jagannathan by adding the ability to use a

non-space specific double agent that communicates with persistent stores outside the first

community using the first protocol.

14.   Some claims will be discussed together. Those claims which are essentially the same

except that they set forth the claimed invention as a computer-readable medium or a network

device are rejected under the same rationale applied to the described claim.

15.   Thereby, the combination of Slaughter and Jagannathan discloses:

- <Claim 1>

  A communication system, comprising: at least one community, each community

  comprised of: a community service to manage the communication system, wherein

  managing the communications system includes registering distributed, persistent stores

  (Slaughter, column 39, lines 11-39); at least one distributed, persistent store having

  publish and subscribe capability and communicating using a first protocol (Slaughter,

  figure 29, item 1254); and at least one double agent, operable to communicate with

  entities using a second protocol and the persistent store using the first protocol

  (Slaughter, figure 29, item 1252 and column 73, lines 38-43); and at least one non-space

  specific double agent, operable to communicate with persistent stores outside the

  community using the first protocol (Slaughter, figure 27, item 1202; column 72, lines 11-

  23; and obviousness as discussed above in paragraph 13) by taking any objects from at

  least one persistent store in the community intended for a persistent store in another

  community and transferring the objects to the persistent store in another community

  (Jagannathan, column 12, lines 27-63).

- <Claim 2>

  The communication system of claim 1, wherein the at least one double agent further

  comprises a universal double agent (UDA) capable of communicating with the persistent

  store and any entity (Slaughter, column 74, lines 11-17).

- <Claim 3>

  The communication system of claim 1, wherein the at least one double agent further

  comprises a morphing double agent (MDA) capable of adopting characteristics to

  communicate with any entity (Slaughter, column 74, lines 37-40).

- <Claim 4>

  The communication system of claim 1, wherein the at least one double agent further

  comprises at least one device specific double agent (Slaughter, column 75, lines 16-26).

- <Claim 5>

  The communication system of claim 1, wherein the at least one non-space specific double

  agent further comprises a determination agent (Slaughter, figure 28, item 1220 and

  column 72, lines 35-37).

- <Claims 6, 11, 13, and 17>

  A method of providing communications, the method comprising: establishing a

  distributed, persistent store having a publish and subscribe capability (Slaughter, column

  72, lines 46-48); providing a community service to manage a communications system

  including the persistent store, wherein managing the communication system includes

  registering persistent stores and other members (Slaughter, column 39, lines 11-39);

  inserting an object into the persistent store using a first protocol to communicate with the

  persistent store, wherein the object is generated by a double agent in communication with

  a member of a Community using a second protocol requesting an action (Slaughter,

  figure 29, item 1252 and column 73, lines 38-43 and 48-50); providing notification to

  subscribed members of the Community of the insertion of the object into the persistent

store (Slaughter, column 51, lines 51-56); and transferring objects from the persistent

store in the Community to a persistent store in another Community as necessary

(Jagannathan, column 12, lines 27-63) using a non-space specific double agent

communicating with the first protocol (Slaughter, figure 27, item 1202; column 72, lines

11-23; and obviousness as discussed above in paragraph 13).

- <Claim 7>

The method of claim 6, wherein the method further comprises reinserting objects

intended for other spaces into the persistent store (Slaughter, column 18, lines 23-37).

- <Claims 8 and 12>

The method of claim 6 wherein the persistent store, the double agent and the subscribed

members reside on at least two different computing devices (Slaughter figures 29 and

30).

- <Claim 9>

The method of claim 6 wherein the object inserted includes a wrapper addressed for a

determination agent (Slaughter, column 72, lines 39-42).

- <Claim 15>

The communications system of claim 1, further comprising a Lightweight Directory

Access Protocol object residing in the persistent store to provide a directory of services

(Slaughter, column 37, lines 6-13).

- <Claim 16>

A method of providing communications, the method comprising: receiving a telephone

call from a first user (Slaughter, column 29, lines 42-52 and column 73, lines 43-45);

using a double agent to generate an object representing the telephone call, wherein the

object identifies a called party and the double agent communicates with the first user

using a first telephone protocol (Slaughter, figure 29, item 1252 and column 73, lines 38-

43 and 45-48); inserting the object into the persistent store using a first protocol

(Slaughter, column 73, lines 48-50); providing notification to subscribed members of the

Community of the insertion of the object into the persistent store (Slaughter, column 51,

lines 51-56); determining that the object is unresolvable by any member of the

community (Jagannathan, column 11, lines 41-48); transferring the object from the

persistent store in the Community to a persistent store in another Community

(Jagannathan, column 12, lines 27-63) using a non-space specific agent communicating

with the first protocol (Slaughter, figure 27, item 1202; column 72, lines 11-23; and

obviousness as discussed above in paragraph 13); resolving the object in the other

community (Jagannathan, column 10, lines 53-57); and sending a call notification to the

called party using a second telephone protocol (Slaughter, column 51, lines 51-56).

Since the combination of Slaughter and Jagannathan discloses all of the above limitations, claims

1-9, 11-13, and 15-17 are rejected.

16.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter in view

of Jagannathan, as applied above, further in view of Bahlmann (U.S. Patent Number 6,487,594).

17.   The combination of Slaughter and Jagannathan disclosed a system in which clients can

utilize search services to find spaces for the storage or retrieval of data and in which the data

objects can be migrated between spaces. In an analogous art, Bahlmann disclosed a policy

management system for Internet service providers.

18.   Concerning claim 14, the combination of Slaughter and Jagannathan did not explicitly

state utilizing Dynamic Host Configuration Protocol objects in a persistent store. However,

Bahlmann does explicitly state this feature as his system utilizes DHCP in managing the services

of service providers throughout the system. It would have been obvious to one of ordinary skill

in the art at the time of the applicant's invention to modify the combination of Slaughter and

Jagannathan by adding the ability to utilize Dynamic Host Configuration Protocol objects in a

persistent store as provided by Bahlmann. Here the combination satisfies the need for a

distributed computing system that allows easy and efficient process migration, in whole or in

part, among distinct machines. See Jagannathan, column 5, lines 29-36.

19.   Thereby, the combination of Slaughter and Jagannathan discloses:

- <Claim 14>

   The communications system of claim 1, further comprising a Dynamic Host

   Configuration Protocol object residing in the persistent store to provide network

   addresses to members of the community (Bahlmann, column 7, lines 30-42).

Since the combination of Slaughter, Jagannathan, and Bahlmann discloses all of the above

limitations, claim 14 is rejected.

Conclusion

20.   The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.
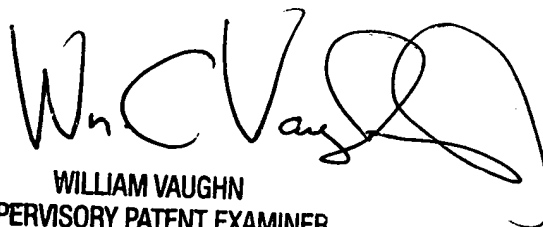
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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